COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: March 15, 2011

OFFICE CORRESPONDENCE FILE NO. SH2252199

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOESPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY DAVID SALAZAR #[redacted]
SAN DIMAS STATION

On October 2, 2009, at approximately 0116 hours, Deputies Salazar and Mesa observed a male hispanic, Suspect #1, walking with what they described as vehicle cable or rope in his hand, in a residential neighborhood with frequent vehicle burglaries and vandalism. Immediately upon seeing the deputies, the male hispanic appeared "stunned."

Deputy Salazar parked the radio car and saw another male hispanic, Suspect Lara, who turned and ran from the deputies with Suspect #1 following, as they ran toward the rear of 18203 Renwick Road.

Deputy Salazar gave chase broadcasting radio traffic he was in foot pursuit of possible Burglary (459) suspects. Deputy Mesa took a position of containment on the northwest corner of the residence while observing Deputy Salazar on the southeast corner. Deputy Mesa saw a male hispanic pop his head over the rear yard fence at the location where he was containing, then run back toward Deputy Salazar. Deputy Mesa alerted Deputy Salazar that the male was running back toward him, and ran over to Deputy Salazar's location.

Deputy Salazar stopped on the southeast corner of the residence maintaining a position of cover by a parked vehicle in the residence driveway, when out of his peripheral vision he saw Suspect Lara crouched down hiding near the front end of the vehicle parked in the driveway and the front porch area of the residence. Deputy Salazar ordered Suspect Lara to show his hands but he refused to comply with Deputy Salazar's orders.

Deputy Salazar said he wanted to see Suspect Lara's body so he tried to move toward the suspect. Suspect Lara stayed crouched, and utilizing the vehicle as cover moved away from Deputy Salazar. This occurred several times until Suspect Lara sprinted toward the metal gate Suspect #1 was last seen jumping over.

As Suspect Lara attempted to flee over the gate he stumbled over a trash can and fell to the ground. It was at this time Deputy Salazar saw a shiny metal object in his right hand. Deputy Salazar ordered Suspect Lara to drop the object and he refused. Deputy Salazar described Suspect Lara as now in a crouched position advancing one to two steps toward him so he fired three times at Suspect Lara. This did not immediately stop Suspect Lara so he fired an additional two times and Suspect Lara fell backward. Deputy Salazar broadcast a deputy involved shooting and advanced toward Suspect Lara, kicking away a large silver knife that Suspect Lara had been holding in his right hand.

When Deputy Mesa ran to assist Deputy Salazar, he saw him fire two rounds at Suspect Lara who was standing near the metal gate. He saw him fall to the ground but did not see anything in his hands until Deputy Salazar approached and kicked away a large knife that Deputy Mesa described as a dagger. Assisting units arrived and the deputies were removed from the scene.

On March 10, 2011 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy David Salazar #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy Salazar in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

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AUDIO/VIDEO TRACKING FORM

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INVESTIGATOR'S ACTIVITY LOG

OFFICER INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU INTERVIEWS

Deputy David Salazar II
Deputy Joseph Mesa

HOMICIDE BUREAU INTERVIEWS

Deputy David Salazar II
Deputy Joseph Mesa
Witness [redacted]
Witness [redacted]

EXHIBITS

A- Homicide Bureau Book

MISCELLANEOUS DOCUMENTS

Justice System Integrity Division Letter of Opinion
Additional pages from Crime lab not included in Homicide book
Deputy Salazar admonition form and copy of diagram drawn by Deputy Salazar during interview for reference
Deputy Mesa admonition form and copy of diagram drawn by Deputy Mesa during interview for reference
San Dimas Station Daily In Service October 2, 2009
Four CD's of Deputies, Witness interviews and radio traffic

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? ☐	Hit? ☒
10-2-09	San Dimas Station		

Incident Information

URN: 009-06353-0869-013	Date: 10-2-09	Time: 0116

City or Station: San Dimas

Location: [redacted] Renwick Avenue
Azusa, CA 91702

Nature of Incident: Deps. Obs 2 MH/ suspects in area known for car burgs. When they attempted to detain them, one of the suspects produced a knife and threatened the deputy. Fearing for his safety Deputy Salazar II fired approx. 5 rounds from his duty weapon striking the suspect. The suspect was pronounced dead at the scene and the knife was recovered

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence**, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights**

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: 3-5 feet

Incident Type (*circle one or more*): Accidental, **Armed Person**, **Fleeing Suspect**, **Foot Pursuit**, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
5	0

Aero Unit? ☒ Canine Unit? ☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Mesa	Joseph		**EM** PM Day	**Regular** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	Irma		[redacted]	[redacted]	[redacted]	[redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Reiley	Jeffrey		**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Jaeger	William	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Penner	Stan	

PSTD Use Only

SH # 2252199

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10-2-09	0315	09-21-10	

Employee #	Last Name	First Name	M.I
[redacted]	Kusch	Roderick	
[redacted]	Haynes	Laura	
[redacted]	Grote,	Dinah	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#2/Lara	E#1	UC					NN	
S#2Lara	E#1	OE	ZZ				NN	
E#1	S#2/Lara	FH	ZZ	45	Y	Y	GS	AD

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 009-06353-0869-013

Involved Employee

E 1

Employee # [redacted] | Last Name: Salazar II | First Name: David | M.I.: W.

Sex: M | Race: H | Rank: Deputy Sheriff B-1 | Unit Assignment: San Dimas | Work Assignment (Unit #, Module, etc.): Unit 86

ShiftTime (*circle only one*): (EM circled) PM Day | ShiftType (*circle only one*): (Regular circled) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☒

Hrs of sleep prior to shooting: 6-8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled) | Other Factors:

Age: [redacted] | Height: 5' 07" | Weight: 190

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Sig Sauer | Caliber: 45 | # Shots: 5 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.

Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

Officer Involved Shooting Suspect Information

URN: 009-06353-0869-013

Suspect Information

S 1

Last Name: Lara	First Name: Efrain	M.I. G.
AKA Last Name:	First Name:	M.I.

Sex: M Race: H	Street Address: 18238 Renwick Road	City: Azusa	State & Zip Code: CA 91702
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 31 D.O.B. 03/23/78	Height: 5' 03" Weight: 120	FBI # [redacted]	CII # [redacted]
Booking # Deceased	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2009-06699	Intoxication/Drug Usage? ☒	Substance Used: Methamphetamine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

Investigative Summary

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING - SUSPECT DECEASED
IAB #SH2252199
FILE #009-06353-0869-013

Involved Employee: **David Salazar, Deputy Sheriff, #[redacted]**

Employee Witness: **Joseph Mesa, Deputy Sheriff #[redacted]**

Date: **October 2, 2009 (Friday)**

Time: **Approximately 0116 hours**

Location: **[redacted] Renwick Road,**
Azusa, California 91702

OPENING STATEMENT:

At the above date and time, San Dimas Station Deputy David Salazar was involved in a shooting with Suspect Efrain Lara, MH/ 31. The suspect was shot after he lunged at Deputy Salazar with a shiny object in his right hand which Deputy Salazar believed was a weapon. Internal Affairs Bureau Lieutenant Rod Kusch and Sergeants Laura Haynes and Dinah Grote, responded to the command post and later to the scene.

Deputies Salazar and Mesa observed a male hispanic, Suspect #1, walking with what they described as vehicle cable or rope in his hand, in a residential neighborhood with frequent vehicle burglaries and vandalism. Immediately upon seeing the deputies, the male hispanic appeared "stunned." Deputy Salazar parked the radio car and saw another male hispanic, Suspect Lara, who turned and ran from the deputies with Suspect #1 following, as they ran toward the rear of [redacted]

Deputy Salazar gave chase broadcasting radio traffic he was in foot pursuit of possible Burglary (459) suspects. Deputy Mesa took a position of containment on the northwest corner of the residence while observing Deputy Salazar on the southeast corner. Deputy Mesa saw a male hispanic pop his head over the rear yard fence at the location where he was containing, then run back toward Deputy Salazar. Deputy Mesa alerted Deputy Salazar that the male was running back toward him, and ran over to Deputy Salazar's location.

Deputy Salazar stopped on the southeast corner of the residence maintaining a position of cover by a parked vehicle in the residence driveway, when out of his peripheral vision he saw Suspect Lara crouched down hiding near the front end of the vehicle parked in the

driveway and the front porch area of the residence. Deputy Salazar ordered Suspect Lara to show his hands but he refused to comply with Deputy Salazar's orders. Deputy Salazar said he wanted to see Suspect Lara's body so he tried to move toward the suspect. As he did this, Suspect Lara stayed crouched, and utilizing the vehicle as cover moved away from Deputy Salazar. This occurred several times until Suspect Lara sprinted toward the metal gate Suspect #1 was last seen jumping over. As Suspect Lara attempted to flee over the gate he stumbled over a trash can and fell to the ground. It was at this time Deputy Salazar saw a shiny metal object in his right hand. Deputy Salazar ordered Suspect Lara to drop the object and he refused. Deputy Salazar described Suspect Lara as now in a crouched position advancing one to two steps toward him so he fired three times at Suspect Lara. This did not immediately stop Suspect Lara so he fired an additional two times and Suspect Lara fell backward. Deputy Salazar broadcast a deputy involved shooting and advanced toward Suspect Lara, kicking away a large silver knife that Suspect Lara had been holding in his right hand.

When Deputy Mesa ran to assist Deputy Salazar, he saw him fire two rounds at Suspect Lara who was standing near the metal gate. He saw him fall to the ground but did not see anything in his hands until Deputy Salazar approached and kicked away a large knife that Deputy Mesa described as a dagger. Assisting units arrived and the deputies were removed from the scene.

> **IAB Note:** Internal Affairs Bureau Lieutenant Rod Kusch checked to see that the Watch Commander, Lieutenant Stanley Penner, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, Internal Affairs Bureau Lieutenant Kusch checked to see if the Watch Commander attempted to have involved and witness personnel gather in the company of a supervisor (Sergeant William Jaeger) until they have provided a statement to the assigned investigators.

INVOLVED PERSONNEL:

Salazar, David Deputy #[redacted]
Field Operations Region III
San Dimas Station

Work History:

Salazar, David:
Date of Employment: 12-23-1996
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

WITNESS PERSONNEL:

Mesa, Joseph, Deputy # [redacted]
Field Operations Region III
San Dimas Station

Work History:

Mesa, Joseph:

Date of Employment: 06-28-1991
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT:

Lara, Efrain Gutierrez, MH/31 (deceased)

Criminal History:

Suspect Lara [redacted] (Refer to **Exhibit A,** Homicide Book, pages 70 - 96 for Suspect Lara's criminal history).

WITNESSES:

[redacted] MH/25, [redacted]

[redacted] FH/A, [redacted]

INJURIES:

No deputies were injured during this incident.

Suspect Lara sustained five gunshot wounds (Refer to **Exhibit A,** Homicide Book, page 97 - 101 for Autopsy Report).

PHYSICAL EVIDENCE:

Physical evidence related to the crime scene, crime scene sketch, and collection of evidence (Refer to **Exhibit A**, Homicide Book, pages 27 - 33, 49 - 51, and Miscellaneous Section).

INVESTIGATOR OBSERVATIONS:

Responding Internal Affairs Bureau Sergeants walked through the crime scene and noted the area had illumination from overhead street lights. There was an illuminated porch light located at the front door of the residence. The carport area where the shooting took place was extremely dark with no illumination. There was nothing remarkable beyond what was reported and documented during the investigation.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy Salazar fired five rounds from his department approved Sig Sauer, model P220, 45 Auto caliber semiautomatic pistol bearing serial number G[redacted] utilizing department approved 45 Auto caliber cartridge cases bearing "WIN 45 Auto +P" head stamp. The weapon and ammunition were found to be within specifications consistent with the Sig Sauer pistol (Refer to **Exhibit A,** Homicide Book, pages 53 - 55 for firearm description).

Deputy Salazar qualified with his weapon [redacted]

WEAPON USED BY SUSPECT:

Suspect Lara was in possession of a large folding knife, yellow plastic handle with a belt clip, 4 inch blade, 9 ½ inches in total length. The knife when recovered was in the extended locked position.

PROPERTY DAMAGE:

Damage to property at the location was minimal and consisted of bullet holes to a metal gate, as well as an exercise machine (Refer to **Exhibit A,** Homicide Book, page 52).

CRIMINAL INVESTIGATOR/CHARGE FILED:

None, suspect deceased.

LIGHTING AND WEATHER CONDITIONS:

The shooting took place during night time hours. The area was described by Deputies Salazar and Mesa as well lit by street lights and the residence also had the front porch light illuminated. Deputy Salazar said the carport area where the shooting took place was extremely dark with no illumination, except for the laser sight and flashlight combination his firearm was equipped with and he utilized (Refer to **Exhibit A**, Homicide book, page 32 for Homicide Investigator description of lighting conditions).

INVOLVED EMPLOYEE STATEMENT:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the recorded interviews and transcriptions.

Deputy Salazar:

Deputy Salazar was interviewed at the Internal Affairs Bureau Offices by Sergeant Laura Haynes and Sergeant Dinah Grote on May 25, 2010. He was represented by Anna Slotky of Green and Shinee.

During the interview investigators refer to the first male hispanic as Suspect #1 and the second male hispanic as Suspect #2, Lara.

Deputy Salazar said he and his partner Deputy Mesa were patrolling the area due to numerous vehicle burglaries and vandalism in and around the area. As they were driving southbound on Rockvale, approaching the corner of Renwick Road, Deputy Salazar alerted his partner's attention to Suspect #1 walking west across the front lawn of [redacted] Renwick Road carrying what appeared to be a vehicle cable. As both deputies saw Suspect #1, he appeared startled at the deputies presence. As deputies prepared to exit their vehicle, Deputy Salazar saw Suspect Lara come in to view. Suspect Lara saw the deputies and ran back toward the rear of [redacted] Renwick Road. Suspect #1 then ran back the same route as Suspect Lara.

Deputy Salazar said he parked the radio car and went in foot pursuit of possible Burglary suspects, broadcasting information as he chased the suspects. As Deputy Salazar ran to the southeast corner of the residence he said," I lost sight of the first suspect that ran which is the second suspect I saw." Deputy Salazar said he never lost sight of the suspect he was chasing and watched him jump over the metal fence at the back of the carport. He said, "Since the first guy who ran I figured he jumped the fence prior to the guy I was chasing so I figured there was two guys behind the fence." Deputy Salazar said he was not going to jump the fence with two suspects behind the fence so he maintained his position in the driveway, next to a vehicle, which was parked there by the front door. He

said he could see Deputy Mesa to his left and then heard him yell out that the suspect was running back toward him. Deputy Salazar said as he was waiting in the driveway, out of the corner of his left eye he saw a head poke up from the front hood area of the parked vehicle to his left. He ran behind the vehicle for cover and yelled at Suspect Lara to show his hands. Deputy Salazar wanted to see Suspect Lara's body because he was crouched behind the vehicle, so he moved to the area Suspect Lara was hiding behind. In doing so, Suspect Lara, utilizing the vehicle as a barrier would move away from Deputy Salazar.

Deputy Salazar said this happened several times "and it was like a cat and mouse game."

Deputy Salazar said when he moved to the left side of the vehicle Suspect Lara saw an avenue of escape and sprinted toward the metal gate Suspect #1 had jumped over. As he tried to kick his legs over the gate, he kicked one of the trash cans and he fell back down to the ground. Deputy Salazar said when Suspect Lara landed he was facing him in a crouched position ready to lunge at him. Although the carport area was extremely dark, Deputy Salazar illuminated the suspect with his mounted flashlight on his weapon. He could see a shiny silver object in his right hand and he ordered him to drop it three times. Suspect Lara lunged at Deputy Salazar so he fired three rounds. This did not immediately stop Suspect Lara who advanced toward Deputy Salazar. He fired an additional two rounds, which stopped Suspect Lara, who fell to the ground. Deputy Salazar said he approached the area of Suspect Lara to clear it, and kicked away a knife which he said appeared to be about nine inches in length. He broadcast Deputy Involved in a shooting (998) traffic. Deputy Mesa had now come up behind him at this time and told him he would take over the radio.

Deputy Mesa:

Deputy Mesa was interviewed at the Internal Affairs Bureau Offices by Sergeant Laura Haynes on June 15, 2010. He was represented by Anna Slotky of Green and Shinee.

Deputy Mesa said after Deputy Salazar alerted him to the suspect and exited the radio car, he ran to the southwest corner of the residence. Deputy Mesa said he ran to the northwest corner of the residence, where he said he could still see Deputy Salazar and maintain a visual on the northwest fence in case the suspect tried to escape from there. Deputy Mesa said he saw the suspect pop his head up to the fence line and he ordered him to stop. The suspect disappeared behind the fence and appeared to run back toward the direction of Deputy Salazar. Deputy Mesa yelled to Deputy Salazar the suspect was now running back toward him, and started to run to Deputy Salazar's location approximately 30 yards away. He said he could hear Deputy Salazar now yelling, "Let me see your hands, let me see your hands," and remembers thinking, "That guy must be pretty quick," because he just left the northwest side of the residence. Deputy Mesa said he then heard three gunshots, and heard Deputy Salazar broadcast 998 radio traffic. When he arrived to Deputy Salazar's location he saw him standing on the east side of the vehicle parked in the driveway, saw him fire an additional two rounds in a northbound direction at Suspect Lara who was still standing in the carport area. Deputy Mesa said he saw Suspect Lara go down and told

Deputy Salazar he would take over radio traffic. Deputy Mesa said Deputy Salazar approached Suspect Lara to check his condition and watched as Deputy Salazar kicked what he described as a "dagger" away from Suspect Lara's hand. Deputy Mesa said they maintained a visual on the area because they could hear running in the backyard of the location and they knew there were still outstanding suspects.

Deputy Mesa said he started broadcasting a containment and waited until the first unit arrived in approximately five minutes.

WITNESS STATEMENTS:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the recorded interviews and transcriptions.

Mrs. [redacted] was interviewed by Homicide Detectives on October 2, 2009, during the course of their investigation at her place of residence, [redacted]

Mrs. [redacted] told Homicide Investigators she heard three gunshots from the east side of her residence, went to look outside her kitchen window and saw a policeman running. As she was watching, her [redacted] said, "Mama there is someone dead." Mrs. [redacted] said she did not see the shooting, nor did her [redacted] but they heard gunshots and saw a small table knocked over in their driveway in front of their parked vehicle. Homicide Detectives concluded their interview with Mrs. [redacted] (Refer to transcribed interview with Mrs. [redacted] under Homicide Bureau interviews).

[redacted] was interviewed by Homicide Detectives on October 2, 2009, during the course of their investigation at his place of residence, [redacted]

Mr. [redacted] told Homicide Detectives he was meditating in his front yard when he saw a police car pull up to the house at [redacted] He watched as the police car parked, the driver exited his car with his gun drawn and according to Mr. [redacted] "He was running toward the subject, and shooting eight shots." Mr. [redacted] said he crossed the street out of sight of the policeman so he could see who the police were shooting at to confirm it wasn't his brother. Once he saw the male "dying" in front of him and it wasn't his brother he was relieved (Refer to transcribed interview with Mr. [redacted] under Homicide Bureau interviews).

SUSPECT STATEMENT:

None, suspect deceased.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

August 30, 2010

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 09-0626
LASD File # 009-06353-0869-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 2, 2009, fatal shooting of Efrain Lara, by Los Angeles County Sheriff's Deputy David Salazar. It is our conclusion that the Deputy Salazar acted in lawful self-defense.

The following analysis is based on reports submitted to our office on June 15, 2010, by Detective Karen Shonka of the Los Angeles County Sheriff's Department (LASD), Detective Division – Homicide Bureau. The District Attorney's Command Center was notified of this shooting on October 2, 2009, at approximately 2:45 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator [redacted] responded and was given a briefing and walk-through of the scene by LASD Lieutenant Paul Becker. No departmentally compelled statements were considered in this analysis

FACTUAL ANALYSIS

On October 2, 2009 at approximately 1:15 a.m., Deputies David Salazar and Joseph Mesa were working in uniform in a marked black and white patrol vehicle. Deputy Salazar was the driver and Deputy Mesa was the right front passenger. They were patrolling the area of Rockvale Avenue and Gladstone Street in the City of Azusa due to an increase in the number of vehicle burglaries, thefts, and vandalisms in that area.

As they traveled southbound on Rockvale Avenue from Gladstone Street, both deputies saw a man standing on the front yard of the residence located at [redacted] Renwick Road, which is the house located on the [redacted] of Rockvale Avenue and Renwick Street. The man was carrying what appeared to be a rope or wire. As the deputies continued southbound, the

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man looked in their direction with a stunned expression. Deputy Salazar stopped the patrol vehicle on the east curb line adjacent to the residence. At that time, Salazar noticed a second man on the front lawn. This second man, later identified as Efrain Lara, saw the patrol car, quickly turned and ran eastbound.

Deputy Salazar got out of his car, ran eastbound after the suspects, and ordered them to stop. Salazar temporarily lost sight of Lara, but maintained a visual on the other man. Deputy Mesa positioned himself at the southwest corner of the residence. As Salazar approached the carport on the east side of the residence, he saw the initial man run northbound on the driveway and climb over a wrought iron fence, landing in the rear yard of the home. At that time, Deputy Salazar believed that both suspects had escaped via the backyard. Salazar remained where he was and dispatched over his portable radio that he had possible burglary suspects running from their location.[1]

As Deputy Salazar waited in the middle of the driveway, he saw Lara crouched down hiding near the front end of a Toyota Camry parked facing northwest in the driveway. Deputy Salazar was unable to see Lara's hands. He pointed his gun at Lara and ordered him to show his hands. Lara did not comply. Salazar moved to the rear driver's side of the Camry, using the car as cover. Lara remained crouched down, moving around the car to the passenger's side.

Lara suddenly stood up, ran towards a wrought iron fence and attempted to climb over it. Unsuccessful, Lara fell to the ground. At that time, Deputy Salazar saw a shiny metal object in Lara's right hand, which he believed to be a gun or a knife. Salazar immediately and repeatedly ordered Lara to "drop it." Lara ignored the order and stood up with a menacing expression on his face. Lara took one or two steps toward Salazar with his right hand up at shoulder level, advancing on him like a "football player." Scared, and less than ten feet away from Lara, Deputy Salazar fired his weapon three times. Lara continued to advance with the metal object in his hand. Still fearful, Salazar fired his service weapon two more times. Lara fell backwards onto the ground, under the carport and south of the fence. Deputy Salazar approached, saw that the weapon was an open folding knife, and kicked it away. He then radioed for assistance.[2] Salazar, in shock and believing he may be injured, asked one of the responding deputies to determine if he was bleeding. Salazar was not injured.

Responding deputies set up a containment of the area to attempt to apprehend the outstanding suspect. Paramedics were lead into the scene to treat Lara. Lara was pronounced dead at the scene at 1:47 a.m. On October 3, 2009, Deputy Medical Examiner Yulai Wang, M.D., performed an autopsy on Lara. Dr. Wang noted five gunshot wounds to Lara: one to the front

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[1] From his vantage point, Deputy Mesa initially was able to see only the first suspect flee to the rear yard and did not know at that time that there was a second man. Mesa did hear Salazar broadcast that "suspects" had fled northbound from their location.

[2] Deputy Mesa did not see the shooting, but heard two sets of orders. Mesa heard Salazar yelling "Let me see your hands" and shortly after heard Salazar yell out "Drop it!" Both orders were given more than once. Mesa ran eastbound to Salazar's location, arriving at the time that Salazar fired the last two gunshots. Mesa then saw Lara fall to the ground. It was only at this time that Mesa saw that Lara was not the initial suspect.

neck area, one to the front left shoulder, one to the right abdominal wall, and two to the back. Dr. Wang ascribed the cause of death as multiple gunshot wounds. Analysis of his blood showed the presence of .53 micrograms per milliliter of methamphetamine and .04 micrograms per milliliter of amphetamine.

Investigators recovered Lara's weapon, a folding knife with a four inch blade and metal handle, near his body. They also recovered a cable wire from the front yard of the residence. The cable is a speaker cable used in the stereo systems of some vehicles. Five .45 caliber cartridge casings were found near the driveway. Two bullet fragments were recovered from the driveway and two bullets were recovered in the backyard. Two bullet holes were discovered in the wrought iron gate and one hole was discovered in the rear yard. Bloodstains were found on the driveway, Lara's knife, a trashcan under the carport, and portions of the exterior of the residence. DNA analysis showed that the blood matched the DNA profile taken from Lara.[3]

Salazar's duty weapon was a Sig Sauer, model P220, .45 caliber semiautomatic pistol. That firearm has the capacity to hold eight rounds in the magazine and one in the chamber. It was determined that Deputy Salazar fired a total of five rounds.

Lara was 31 years-old and measured five feet four inches tall. [redacted]

CONCLUSION

According to the law in California, a person acts in lawful self-defense or defense of another if (1) he reasonably believes that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believes that the immediate use of deadly force was necessary to defend against that danger. CALCRIM 505.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. Graham v. Conner (1989) 490 U.S. 386, 396-397.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

[3] The knife showed two contributors. The major contributor matches the profile for Lara.

Deputy Salazar was on routine patrol in an area that had suffered a recent increase in thefts and auto burglaries. He saw two men on the front lawn of a residence at 1:15 in the morning. Both men saw the patrol car, appeared startled, and ran away from the deputies. Deputy Salazar followed the men, ordering them to stop. Salazar witnessed the first suspect hop over a fence, and believed that both men had escaped to the backyard of the residence. Suddenly, Deputy Salazar saw Lara, who was crouched down and hiding behind a car parked in the driveway. Salazar ordered Lara to show his hands. Lara ignored the order and ran away from Salazar in an attempt to flee to the backyard over the fence. Lara was unsuccessful in scaling the fence, and turned to face Deputy Salazar, displaying an open folding knife. Deputy Salazar, believing the weapon was either a knife or a gun, ordered Lara to drop the weapon. Again, Lara ignored Salazar and advanced towards him. Deputy Salazar, reasonably in fear for his safety, fired his service weapon at Lara. Lara continued to advance, and Deputy Salazar fired an additional two times. Lara fell backwards and ultimately succumbed to his injuries.

We conclude that LASD Deputy David Salazar was placed in reasonable fear of imminent danger of death or great bodily injury by Efrain Lara's actions and acted lawfully in self-defense when he used deadly force against Lara. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By *Amy Pellman Pentz*

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Deputy District Attorney
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c: Deputy David Salazar #[redacted]